

Application No.: 09/974,929

Docket No.: JCLA7503

REMARKS**I. Present Status of the Application**

Claims 1, 2 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Koaizawa (JP 11-343135), claims 3-5 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Koaizawa, and claims 12-14 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Koaizawa in view of Kudo (JP 09-118537). The Examiner acknowledges that subject matter recited in claims 18 and 21-22 is allowable, but the claims are objected as being dependent on a rejected base claim.

Upon entry of the amendments in this response, claim 1 is amended. Thus, claims 1-5, 10, 12-14, 16, 18 and 20-22 remain pending in the present application. Support of the amendment of claim 1 can be found, for example, in Fig. 1. Applicants believe that the foregoing amendments do not introduce new matter and do not require any new search. Thus, reconsideration of those claims is respectfully requested.

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II. Response to Objections and Rejections

A. Rejections under 35 U.S.C. § 102(b)

The Office Action, at pages 2-3, rejected claims 1, 2 and 20 under 35 U.S.C. § 102(b) as being anticipated by Koaizawa (JP 11-343135). Applicants respectfully traverse the rejection as applied to the amended claims for at least the reasons set forth below.

To anticipate a claim, the prior art reference must teach each and every element of the claim. M.P.E.P. § 2131.

Claim 1, as amended, provides an apparatus for manufacturing a soot perform for an optical fiber, comprising a reaction chamber, an upper room, at least one core deposition burner, a horizontally extending slit and a gas exit. Claim 1, as amended, recites the "horizontally extending slit [is] made in a upper portion of a sidewall of the reaction chamber" and "said slit [is] adapted to pass gas into the upper part of said reaction chamber" (emphasis added).

Koaizawa, however, fails to teach the foregoing feature (Koaizawa, Fig. 1). Koaizawa's slit is made on the wall of the chamber from the top to the bottom thereof, but not on the upper portion of the sidewall, such that Koaizawa's slit is not adapted to pass gas into the upper part of the reaction chamber. In other words, Koaizawa's apparatus is structurally different from that of the claimed invention. Therefore, Koaizawa does not anticipate claim 1, as amended, since Koaizawa does not disclose each and every element of the claim. Consequently, Koaizawa does not anticipate claims 2 and 20, which are dependent on claim 1, as a matter of law.

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Accordingly, Applicants respectfully submit that the grounds of rejection have been addressed and the rejection has been overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

B. Rejections under 35 U.S.C. § 103(a)

The Office Action, at pages 3-6, rejected claims 3-5 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Koaizawa, and rejected claims 12-14 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Koaizawa in view of Kudo (JP 09-118537). Applicants respectfully traverse the rejections as applied to the amended claims for at least the following reasons.

When applying to obviousness rejections, the references as well as the claimed invention must be considered as a whole, and the references must suggest the desirability and thus the obviousness of making the combination. M.P.E.P. § 2141. To establish prima facie obviousness of a claimed invention, all the claim limitation must be taught or suggested by the prior art. M.P.E.P. § 2143.

First, claims 3-5 and 10 should not be rendered obvious over Koaizawa. As discussed in the foregoing section, Koaizawa fails to teach a feature recited in the amended claim 1, and Koaizawa's apparatus is significantly distinguishable in structure from the claimed invention. Here, claims 3-5 and 10 are dependent on claim 1, and thus inherit the feature from claim 1. Since Koaizawa fails to teach or suggest such significant feature claimed in this invention, claims 3-5 and 10 should not be rendered obvious over Koaizawa.

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Second, claims 12-14 and 16 should not be rendered obvious over Koaizawa in view of Kudo. Similar to claims 3-5 and 10, claims 12-14 and 16 are dependent on, directly or indirectly, claim 1, thus should not be rendered obvious over Koaizawa for the reasons presented above. Further, Kudo teaches that the lower chamber has an exhaust port 12 through a damper 14 (Kudo, Fig. 1), but fails to teach an opening like the "connect hole" recited in claim 13. By teaching the exhaust port 12, Kudo teaches away from making such a "connect hole" for connecting the upper and the lower chambers. Thus, claims 12-14 and 16 should not be rendered obvious over Koaizawa in view of Kudo.

Therefore, Applicants respectfully submit that the grounds of rejection have been addressed and the rejection has been overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

C. Allowable subject matter

Claims 18 and 21-22 are objected as being dependent upon a rejected base claim. Since the grounds of rejection to the base claims have been addressed in the foregoing sections and the rejection has been overcome, claims 18 and 21-22 should be allowable. Therefore, Applicants respectfully submit that the objection has been overcome and should be withdrawn.

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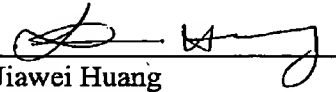
CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 15, 10, 12-14, 16, 18 and 20-22 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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